

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 17A.3, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 1, “Introduction, Abbreviations and Definitions,” Iowa Administrative Code.

The proposed amendments change the chapter in the following particulars:

1. The amendments remove references to Iowa Aging Program Instructions (IAPI). IAPIs have traditionally been used by the Department to provide guidance to Area Agencies on Aging. IAPIs are identified in Chapter 1 as a form of federal or state regulation. These amendments remove references to IAPIs to ensure that IAPIs are not used as or confused with federal or state regulation.

2. The amendments work towards the creation of a single and comprehensive chapter of definitions applicable to all chapters within the Department’s rules. Definitions from 17—Chapter 8 are incorporated into Chapter 1.

3. The amendments alter the definition of “area plan” to align with the Older Americans Act and current practice.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 6, 2014. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 231.

The following amendments are proposed.

ITEM 1. Amend rule 17—1.2(231) as follows:

17—1.2(231) Other regulations and order of precedence. These agency rules are based on the following federal and state regulations that are listed in the order of precedence which shall prevail in the event of conflicting or inconsistent requirements:

1. to 5. No change.

~~6.—Iowa aging program instructions issued by the department and signed by the director or the director’s designee.~~

ITEM 2. Rescind the definition of “IAPI” in rule **17—1.4(231)**.

ITEM 3. Amend the following definitions in rule **17—1.5(231)**:

~~“Area plan” or “multiyear area plan” means a document, that is developed in accordance with the uniform area plan format and IAPI issued forms or in a format prescribed by the department, and that is submitted to the department every two to four years, with annual updates, by an AAA in order to receive subgrants from the department’s grants federal funding and other support through the department.~~

~~“Greatest economic need” means the need resulting from an annual income level at or below the official poverty guideline line as defined in IAPI issued by the department.~~

~~“Iowa Aging Program Instruction” or “IAPI” means a document issued by the department under a system of numbering and reference regarding operating and reporting methods for AAA or instructions which change frequently.~~

“Long-term care ~~resident’s advocate~~ ombudsman program” or “~~LTCRAP~~ office of the state long-term care ombudsman” means the statewide long-term care ombudsman program operated by the department on aging pursuant to the federal Act and Iowa Code chapter 231.

ITEM 4. Adopt the following **new** definitions in rule **17—1.5(231)**:

“Access” means the term described in Iowa Code section 231.42 and includes access to long-term care facilities, assisted living programs, elder group homes, residents, tenants, medical records, social records, and administrative records.

“Certified volunteer long-term care ombudsman” or *“certified volunteer”* means a volunteer who has successfully completed all requirements and received certification from the office of the state long-term care ombudsman.

“Civil penalty” means a civil money penalty not to exceed the amount authorized under Iowa Code section 231.42.